

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

PHOENIX BEVERAGES, INC., et al.,

Plaintiffs,

-against-

EXXON MOBIL CORPORATION, et al.,

Defendants.

Case No. 1:12-CV-03771 (PKC) (JO)

**ANSWER TO  
THIRD-PARTY DEFENDANT  
CONOCOPHILLIPS COMPANY'S  
COUNTERCLAIMS AGAINST  
DEFENDANT/THIRD-PARTY PLAINTIFF  
EXXON MOBIL CORPORATION**

EXXON MOBIL CORPORATION,

Third-Party Plaintiff,

-against-

ACE WASTE OIL, INC., et al.,

Third-Party Defendants.

Defendant/third-party plaintiff Exxon Mobil Corporation ("ExxonMobil") by its attorneys as and for its answer to the counterclaim ("Counterclaim") of third-party defendant ConocoPhillips Company or "Third-Party Defendant", states as follows:

1. The allegations contained in Count I of the Counterclaim state legal conclusions to which no responsive pleading is required. Moreover, to the extent the allegations refer to various statutes, such statutes speak for themselves. To the extent an answer is required, ExxonMobil denies the allegations contained in Count I of the Counterclaim.

2. The allegations contained in Count II of the Counterclaim state legal conclusions to which no responsive pleading is required. Moreover, to the extent the allegations refer to various statutes, such statutes speak for themselves. To the extent an answer is required, ExxonMobil denies the allegations contained in Count II of the Counterclaim.

## AFFIRMATIVE DEFENSES

ExxonMobil adopts and incorporates by reference the affirmative defenses pleaded in its Answer to the Complaint and incorporates by reference the affirmative defenses pleaded by all other parties.

**WHEREFORE**, ExxonMobil demands judgment against ConocoPhillips as follows:

- a) dismissing ConocoPhillips Company's Counterclaim;
- b) awarding ExxonMobil its reasonable attorneys' fees;
- c) awarding ExxonMobil its cost of suit; and
- d) such other relief as the Court shall deem just and equitable.

Dated: November 8, 2013  
New York, New York

MCCUSKER, ANSELM, ROSEN &  
CARVELLI

By: /s/  
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